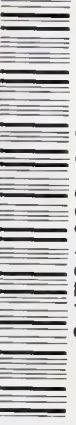


BORA LASKIN LAW LIBRARY



3 1761 03873 3630

CRIMINAL LAW

VOLUME II

Alan Brudner

FACULTY OF LAW
UNIVERSITY OF TORONTO

These materials are reproduced solely for the use of students in the Faculty of Law, University of Toronto.

1995-1996

665
BORA LASKIN LAW LIBRARY

AUG 21 1995

FACULTY OF LAW
UNIVERSITY OF TORONTO

CRIMINAL LAW

VOLUME II

Alan Brudner

FACULTY OF LAW
UNIVERSITY OF TORONTO

These materials are reproduced solely for the use of students in the Faculty of Law, University of
Toronto.

1995-1996



Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

https://archive.org/details/criminallaw02brud_19

TABLE OF CONTENTS

Volume II

Page No.

Chapter Ten: Mistake of Fact

<u>R. v. Rees</u>	394
<u>R. v. Metro News Ltd.</u>	397
<u>R. v. Pappajohn</u>	408
<u>R. v. Sansregret</u>	415
<u>R. v. Osolin</u>	424
Toni Pickard, "Culpable Mistakes and Rape: Harsh Words on Pappajohn"	436
<u>R. v. Ladue</u>	441
<u>R. v. Burgess</u>	443
<u>R. v. Vicko</u>	444
<u>R. v. Kundeus</u>	445
LRCC Draft Code	455

Chapter Eleven: Ignorance of the Law

<u>Rex v. Railey</u>	457
<u>Rex v. Esop</u>	459
<u>R. v. Campbell and Mlynarchuk</u>	459
<u>Rex v. Ross</u>	465
<u>The Statutory Instruments Act</u>	467

<u>R. v. Molis</u>	467
<u>R. v. Maclean</u>	472
<u>Regina ex.rel. Irwin v. Dalley</u>	479
<u>The Queen v. Cancoil Thermal Corporation and Parkinson</u>	482
<u>R. v. Shymkowich</u>	485
<u>R. v. Howson</u>	486
LRCC Draft Code	488

Chapter Twelve: Intoxication

<u>D.P.P. v. Beard</u>	489
<u>D.P.P. v. Majewski</u>	497
<u>Bernard v. The Queen</u>	501
<u>R. v. Daviault</u>	515
LRCC Draft Code	543
G.P. Fletcher, Intoxication	544

Chapter Thirteen: Insanity

A) Fitness to Stand Trial

The Mental Health Act, R.S.O. 1980, c. 262	548
--	-----

B) Insanity as a Defense

<u>R. v. Swain</u>	552
<u>M’Naghten’s Case</u>	559
<u>Cooper v. The Queen</u>	562

	<u>Kjeldsen v. The Queen</u>	568
	<u>R. v. Abbey</u>	569
	<u>R. v. Kirkby</u>	571
	<u>Schwartz v. The Queen</u>	572
	<u>Chaulk v. The Queen</u>	578
C)	Who May Raise the Issue?	
	<u>R. v. Simpson</u>	588
	<u>R. v. Saxell</u>	597
	<u>R. v. Swain</u>	598
D)	The Reverse Onus	
	<u>Chaulk v. The Queen</u>	617
E)	Diminished Responsibility	
	<u>More v. The Queen</u>	645
	<u>R. v. Wright</u>	649
F)	Irresistible Impulse	
	<u>R. v. Borg</u>	651
	A.L.I. Model Penal Code	660
 Chapter Fourteen: Automatism		
	<u>Fain v. The Commonwealth of Kentucky</u>	661
	<u>Rex v. Shaw</u>	663
	<u>R. v. Charlson</u>	665
	<u>Bratty v. A-G for Northern Ireland</u>	668

<u>R. v. Quick</u>	678
<u>Rabey v. The Queen</u>	682
<u>R. v. Parks</u>	688

Chapter Fifteen: Provocation

<u>Salamon v. The Queen</u>	699
<u>Bedder v. Director of Public Prosecutions</u>	702
<u>D.P.P. v. Camplin</u>	705
<u>R. v. Hill</u>	707
<u>R. v. Galgay</u>	721
<u>Parmerkar v. The Queen</u>	722

Chapter Sixteen: Necessity

<u>United States v. Holmes</u>	734
<u>The Queen v. Dudley and Stephens</u>	740
<u>Perka v. The Queen</u>	745
A.L.I. Model Penal Code	760
LRCC Draft Code	761

Chapter Seventeen: Duress

<u>The Queen v. Carker (No. 2)</u>	762
<u>R. v. Hudson and Taylor</u>	766
<u>Paquette v. The Queen</u>	768
<u>R. v. Howe</u>	771

A.L.I. Model Penal Code	782
LRCC Draft Code	782

Chapter Eighteen: Self-Defence

<u>R. v. Cadwallader</u>	783
<u>R. v. Bogue</u>	787
<u>Lavallee v. The Queen</u>	793
<u>R. v. Deegan</u>	808
<u>R. v. Faid</u>	809
LRCC Draft Code	809

Chapter Nineteen: Entrapment

<u>United States v. Russell</u>	811
<u>Mack v. The Queen</u>	824
<u>Barnes v. The Queen</u>	842

